



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/870,267 | 05/29/2001 | Christopher M. White | 3382-56618 | 8059 |

26119 7590 02/09/2006

KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

| |
|----------|
| EXAMINER |
|----------|

VU, NGOC K

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2611

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/870,267 | WHITE ET AL. | |
| | Examiner | Art Unit | |
| | Ngoc K. Vu | 2611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/23/05, 10/20/05, 8/26/05</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 19-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-23, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stepp et al. (US 6,363,440 A1) in view of Dunn (US 5,517,257 A).

Regarding claim 19, Stepp teaches a computer readable medium comprising executable instructions (see col. 4, lines 28-31; col. 6, lines 3-26) for performing a method comprising receiving a composite signal, displaying a program received on the composite signal (see col. 4, lines 5-10 and 16-28; col. 5, lines 11-13). Stepp further discloses that program may be compressed and then may be recorded to storage device 214 or circular buffer. The user may view the program by decompressing the compressed program and displaying the program on screen as recorded in the storage device or circular buffer from a time of delay actuation. It is noted that the program is saved in the storage/buffer 214 until an affirmative decision to record the video signal in storage device 216 is made. In response to a view or play command, the stored program from storage device 216 is decompressed and displayed the program on display 114 (see col. 4, lines 55-67; col. 5, lines 19-27, 31-35 and 59-66; col. 6, lines 9-15).

Stepp does not teach displaying a user interface comprising a delay control and a resume control, receiving actuation of the delay control via the user interface, and in response

Art Unit: 2611

to the delay control action, persisting the user interface on screen with the resume control highlighted, and delaying display of the program. However, Dunn teaches displaying user interface 100 comprising pause control 110 and play control 102 (see figures 3, 5, 6 and 8). Dunn further teaches that if the movie is running, the interface 100 is called up when viewer wishes to control VCR-like, i.e., pause, the interface 100 having "play" symbol is displayed. It is noted that the interface 100 having pause control and play control are mutually exclusive in that the play control is useful only when movie is paused, and the pause control is useful only when the movie is running (see figures 6 and 8; col. 7, line 63 to col. 8, line 13; col. 6, lines 36-39). From this view, play/resume control is active or centered attention on when the movie is paused. In other words, the interface 100 with play/resume control highlighted is provided on screen when the movie is paused. That is, the interface with play/resume control highlighted on screen is persisted until the viewer presses play/resume control. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Stepp by including the interface having play/resume control and pause control, and persisting the interface with play/resume control highlighted on screen until the viewer presses play/resume control as taught by Dunn in order to provide viewers a convenient, intuitive video control user interface for controlling viewing of video movies on a television.

Regarding claim 20, Stepp further teaches decompressing and playing display of the program as saved in the circular buffer from the time of delay actuation, while continuing to compress and save the program to the circular buffer as it is received (it is noted that the program is saved in the storage/buffer 214 until an affirmative decision to record the video signal in storage device 216 is made - see col. 5, lines 19-23, 31-35 and 59-66; col. 6, lines 9-15).

Art Unit: 2611

Regarding claim 21, Stepp as modified by Dunn further teaches that the program is chosen from among a list comprising video on demand and broadcast television (see Dunn: col. 5, lines 26-31).

Claims 22 and 23 recite the similar limitations of claim 19. Accordingly, the similar interpretations with respect to claim 19 are applied to claims 22 and 23. See rejection of claim 19 above.

Regarding claims 27 and 28, the combined teachings of Stepp and Dunn include displaying the user interface on a terminal (TV – see Dunn: figure 3), and the terminal comprising an infrared interface and a cable user interfaces (see Dunn: col. 5, lines 1-4; col. 4, lines 8-11; Stepp: col. 3, lines 32-34 and col. 4, lines 8-10).

Regarding claim 29, Stepp teaches that the program received on the composite signal is a video program (see col. 4, lines 8-10).

Regarding claim 30, Stepp teaches that the program received on the composite signal comprises information regarding the content of the program (see col. 4, lines 32-38).

4. Claims 24-26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stepp et al. (US 6,363,440 A1) in view of Dunn (US 5,517,257 A) in view of Rangan et al. (US 6,154,771 A).

Regarding claims 24-26 and 31, the combined teachings of Stepp and Dunn include the delay control and resume control. Both fail to teach that the delay and resume controls are defined by HTML primitives, displaying a user interface rendering at least one HTML primitive, the user interface is displayed on a WebTV terminal, and/or at least one HTML primitive defines a hyperlink. However, Rangan discloses a web-based playback client terminal providing a web browser 70 included VCR-like controls 71 such as pause and resume/play functions for video playback controls. Rangan further discloses playing hypervideo or the feature of hyperlinks (see

Art Unit: 2611

figures 2, 4; col. 24, line 59 to col. 25, line 18; col. 21, lines 15-21 and 28-33; col. 23, lines 14-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Stepp and Dunn by including a web browser included hyperlinks and VCR-like controls such as pause and resume/play functions for video playback controls as taught by Rangan in order to enhance the interactive television system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Primary Examiner
Art Unit 2611

February 6, 2006